

***MINUTES***  
**UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**UTAH WATER QUALITY BOARD MEETING**

Hooper City Civic Center  
5580 West 4600 South  
Hooper, Utah 84315  
June 11, 2004  
11:00 a.m.

**UTAH WATER QUALITY BOARD MEMBERS PRESENT**

Rob Adams	Mayor Joe Piccolo
Dianne Nielson	Jay Olsen
Mayor Douglas Thompson	Neil Kochenour
Ray Child	Ann Wechsler

**DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT**

Walt Baker, Faye Bell, Sid Curnow, Candace Cady, Randy Taylor, Ed Macauley, Rino Dicaldo, Kiran Bhayani, Harry Judd, Bill Moellmer

**OTHERS PRESENT**

<b><u>Name</u></b>	<b><u>Organization Representing</u></b>
Glenn Barrow	Hooper City
Paul Taylor	J.U.B. Engineers
Jeff Richens	Operators Certification Council
Dale Widdisor	Hooper City Council
Richard Noyes	Hooper City Council
Theo G. Cox	Hooper City Council
Tracy Allen	J.U.B. Engineers
Attorney Generals Office	Fred Nelson
Richard Jex	Wasatch County Health Dept
Mary Hazard	Weber Morgan Health Dept

Vice Chairman Child called the Board meeting to order at 11:10 a.m. He welcomed those in attendance. Mr. Child invited the members of the audience to introduce themselves.

**Election of Chairman & Vice Chairman:** Mr. Baker opened nominations to fill the Board Chairman and Vice Chairman vacancies. Mayor Thompson nominated Ray Child to be the new Water Quality Board Chairman, seconded by Mr. Adams and unanimously approved. Mr. Adams nominated Mayor Thompson to be the new Vice Chairman of the Water Quality Board, seconded by Mr. Olsen and unanimously approved.

**APPROVAL OF MINUTES OF THE APRIL 21, 2004 MEETING &  
MAY 12, 2004 CONFERENCE CALL**

**Motion:** It was moved by Ms. Wechsler and seconded by Mayor Thompson to approve the minutes of the April 21, 2004 Board meeting. The motion was unanimously approved.

**On the May 12, 2004 Conference Call, Dr. Kochenour noted his name needed to be added to the list of participants in the Conference Call. It was moved by Dr. Kochenour and seconded by Mayor Thompson to approve the minutes of the May 12, 2004 Conference Call with the noted change. The motion was unanimously approved. Mr. Child abstained since he was not able to participate in the call.**

**Wastewater Operator Certification Annual Report:** Mr. Richens, from the Operator Certification Council, presented the 2003 Annual Report to the Board.

**Discussion of On-Site System Management Options:** Mr. Jex, representing CLEHA (Conference of Local Environmental Health Administrators), presented to the Board the guidelines for Management of On-site and Clustered (Decentralized) Wastewater Treatment Systems, referring to page 4.1 through 4.10. The benefits of On-Site System Management will be to protect health, promote ground water conservation, lower failure rate costs to state and local governments and protect property values. Presently the guidelines are voluntary, they would like to have them incorporated either by reference or by listing a minimum criteria within the rule itself. After some discussion, Mr. Baker explained staff will work on the proposal to add some kind of criteria into a rule format, which would go through the usual approval process requiring public comment, etc.

### **LOAN PROGRAM**

**Financial Assistance Status Report** – Mr. Curnow updated the Board on the “Summary of Assistance Program Funds” as outlined on page 2.1.

**Hooper City Request for Funding:** Gennaro Dicataldo introduced Mayor Barrow of Hooper City and Mr. Paul Taylor from J-U-B Engineering. Prior to the board meeting, the Board participated in a tour of Hooper City, focusing on areas presently experiencing septic tank failures. Mr. Dicataldo reaffirmed the importance of Hooper City’s project, noting that the Board saw some of the problems that exist in Hooper. The project is ranked #1 on the FY2004 Wastewater Project Priority List and has been designated a health hazard because of on-site system failures. Hooper City is requesting financial assistance in the amount of a \$4,992,000 Hardship Grant and a \$10 million zero percent interest loan repayable over 30 years. Hooper is also requesting a Design Advance of \$1,056,000 for engineering design and purchase of easements. In the previous Board meeting in April the Board asked Hooper to answer the question “is there a potential of taking 818 units out of service and relocating them somewhere else in Hooper City?” The Health Department has many requirements for new onsite systems including a percolation test and ground water monitoring for a period of one year. Also, there is an ordinance in place that restricts new construction below the high water mark of the Great Salt Lake. Most of the land located to the west and northwest of Phase I, where on-site systems could potentially be constructed, is below the 4,215-foot elevation and cannot be developed. In addition it is the legal opinion of Hooper City’s attorney that imposing a moratorium on the construction of new onsite systems by Hooper City would not be legally defensible. The State Attorney General’s office concurs with this opinion. Mr. Moellmer from the Division of Water Quality identified the water quality measurement of elevated e-coli measurements in neighboring waters. Mr. Taylor of J-U-B Engineers gave a presentation explaining how the city would effectively be reducing the number of new onsite systems that are anticipated to be constructed. Out of the 818 onsite systems being taken out of service, possibly 30 new ones are expected to be constructed. Ms. Nielson asked why wouldn’t Hooper City simply require that development be sewer and preclude septic systems and alternative systems. Mr. Taylor responded that the City has mechanisms in place to strongly encourage that, but that it cannot legally require a moratorium on new construction without sewer, particularly after the Health Department has already issued a permit to construct an onsite system. Mr. Nelson, from the Attorney General’s Office, explained the legal problem Hooper would encounter if it were to impose a moratorium. The Board asked about the Health

Department's requirements regarding septic systems and if the Health Department might have the ability to prevent further construction of septic systems. Mr. Nelson said this would require a change in the state rule for the Health Department to change its requirements. Ms. Hazard explained that many of the systems approved in the 80's and 90's were experimental systems. She also stated that some of the problems were that homeowners were not educated on the care of the onsite systems and the health department didn't return to inspect them. Ms. Nielson asked Ms. Hazard if the health department is allowed to disapprove a mound system if it had failed at an adjoining or nearby lot. Ms. Hazard said if they had a system installed at an adjacent area of the property where they were monitoring the water table, and they had evidence it was failing next door they could, but only under those kind of circumstances. Ms. Nielson asked if the City has the ability to be more restrictive than the county and place a restriction that would require disapproval if there was a known failure. Mr. Olsen explained the bottom line is the board does not want to have new septic systems put in anywhere in the area. Mr. Baker pointed out that Hooper presently has an existing problem that needs to be addressed and that future development will need to be addressed by the city and the county. Ms. Nielson asked if the Division of Water Quality could strengthen the criteria of alternative systems. Mr. Baker explained the previous systems were not approved as alternative systems, but rather experimental systems. Ms. Hazard said the Division of Water Quality could revoke approval for alternate systems in Hooper, but recommended that this not be done for the remainder of the county as the Health Department is monitoring them in other areas with good results. Ms. Nielson pointed out they have two issues here: 1) a decision on a loan for a specific area presently experiencing problems with recognition that there needs to be a solution; and 2) a need for the Division to review its rules and establish whether it can do something to manage new onsite systems in Hooper.

**Motion:** It was moved by Mr. Piccolo and seconded by Mr. Adams to authorize a Hardship Grant of \$4,992,000 and a \$10,000,000 zero percent interest loan and a Planning Advance of \$1,056,000 for engineering design and purchase of easements and with special conditions as noted. The motion was approved 6 to 1, with Ms. Wechsler abstaining and Mr. Olsen voting against the motion. Ms. Nielson asked staff to come back to the board and offer a discussion on alternatives to address this issue and maybe use Hooper as a trial case.

**Rulemaking:** Ed Macauley referred the Board to Tab 3, page 3.1 of the packet. Staff is requesting Board authorization to adopt the proposed changes to *R317-10, Wastewater Operator Certification*. No comments were received during the public comment period.

**Motion:** It was moved by Mr. Thompson and seconded by Mr. Kochenour to authorize staff to adopt changes to *R317-10*. The motion was unanimously approved.

**Rulemaking:** Ms. Cady referred the Board to Tab 3.3 of the packet. Staff is requesting the Board authorize initiation of rulemaking on *R317-7, Administrative Rules for the Utah Underground Injection Control (UIC) Program* to incorporate Professional Geologist Licensing Act Requirements and to make additional updates and changes.

**Motion:** It was moved by Mr. Adams and seconded by Ms. Wechsler to authorize staff to proceed with rulemaking for changes to *R317-7*. The motion was unanimously approved.

**Rulemaking:** Kiran Bhayani referred the Board to Tab 3.28 of the packet. In March 2004, the Utah Water Quality Board authorized publication of changes to the proposed *R317-401, Graywater Systems*, for public comment. No comments were received during the comment period. Staff is requesting Board authorization to adopt the proposed changes to *R317-401, Graywater Systems*.

**Motion:**           **It was moved by Mr. Kochenour and seconded by Mr. Piccolo to authorize staff to adopt changes to R317-401. The motion was unanimously approved.**

**Other Business:** Mr. Baker introduced Harry Judd, formerly the manager of the TMDL Section and now the “Acting Branch Manager,” filling in for Walt while Walt is serving as the Acting Division Director.

**Legislative Update:** Wastewater reuse legislation did not pass in the past legislative session. The legislature convened a task force for two years to study issues related to wastewater reuse, including water rights. In periods of drought some effluent water may be claimed by others and the legislature is studying that. Ground water and surface water are also being studied. He expects some legislation to come out of the task force’s effort.

#### **NEXT MEETING**

The next Water Quality Board meeting will be held as a Conference Call on July 8, 2004 at 9:30 a.m. The public can attend and listen to the conference call at the Cannon Health Building, Room 336.

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Ray Child, Chairman

Located in:

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